



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

January 20, 1960

Mr. Raymond W. Vowell
Executive Director
Board for Texas State Hospitals
and Special Schools
Austin, Texas

Opinion No. WW-782

Re: Validity of tuition pay-
ments by the Alabama
Coushatti Indian Reser-
vation to the Big Sandy
Independent School Dis-
trict.

Dear Mr. Vowell:

You have requested an opinion from this office as to whether the Board for Texas State Hospitals and Special Schools can make tuition payments to the Big Sandy Independent School District for children from the reservation who are attending schools within the School District.

In Section 3 of Article 3174b of Vernon's Civil Statutes, the Alabama Coushatti Indian Reservation is included in the definition of Texas State Hospitals and Special Schools:

"Sec. 3. The term 'Texas State Hospitals and Special Schools' as used in this Act shall mean . . . The Alabama Coushatti Indian Reservation, Livingston, Texas . . . and all other institutions heretofore or hereafter referred to as 'eleemosynary institutions' or 'hospitals and special schools' . . ."

Sections 1 and 2 of Article 3183e of Vernon's Civil Statutes authorize the Board for Texas State

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Hospitals and Special Schools to contract to pay the tuition for students attending the public schools from the Special Schools located in that county.

"Section 1. The Board for Texas State Hospitals and Special Schools may negotiate and enter into contracts with public schools in counties where Special Schools are located to accept and educate inmates of the Special Schools in the public schools. The Board is authorized to pay tuition to the public schools out of any appropriated funds it has available.

"Sec. 2. Children admitted or committed to the Special Schools may be placed in public schools by the superintendent, and the Special School may pay a reasonable rate for the tuition of such children. Acts 1954, 53rd Leg., 1st C.S., p.64, ch. 25."

Since the Alabama Coushatti Indian Reservation is included within the meaning of Special Schools under Section 3 of Article 3174b of Vernon's Civil Statutes, and the Board for Texas State Hospitals and Special Schools is authorized to pay tuition of students attending public schools within the county that the Special School is located in, it is our opinion that the Board can make the tuition payments in question.

SUMMARY

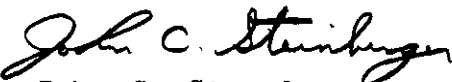
The Board for Texas State Hospitals and Special Schools is authorized to make tuition payments to the Big Sandy Independent

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School District under Article 3183e of Vernon's Civil Statutes.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John C. Steinberger
Assistant Attorney General

JCS:ms

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

F. C. Jack Goodman
Houghton Brownlee, Jr.
Bob Eric Shannon
Paul W. Floyd, Jr.

REVIEWED FOR THE ATTORNEY GENERAL
By: Leonard Passmore